

May 26, 2017

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total and full just compensation payable by the United States for the taking of the Estates in the Subject Property is the total sum of one thousand dollars and 00/100 (\$1,000.00) in full satisfaction of any claims of whatsoever nature by the Defendants against the United States for the institution and prosecution of the above-captioned action and for the institution and prosecution of Case No. 1:10-cv-186 as to the Subject Property.

2. Judgment shall be and is hereby entered against the United States in the amount of one thousand dollars and 00/100 (\$1,000.00) for its taking of the Subject Property, along with any accrued interest.
3. On August 25, 2010, the United States deposited one hundred dollars and 00/100 (\$100.00) into the Registry of the Court (Case No. 1:10-cv-186, Docket No. 5) as its estimated just compensation for the Estate in Tract RGV-HRL-4080, of which the Subject Property was formerly part. Upon this Deposit, title to the Subject Property, more fully described in the Complaint in Condemnation and Declaration of Taking, vested in the name of the United States by operation of law. On March 28, 2017, the United States deposited one thousand dollars and 00/100 (\$1,000.00) into the Registry of the Court (Docket No. 7) as additional just compensation, and those funds remain on deposit in the Registry of the Court. This newly-deposited sum is in addition to the original deposit of \$100 as estimated just compensation for Tract RGV-HRL-4080, which remains on deposit in Case No. 1:10-cv-186.
4. The parties agree that the United States shall be entitled to immediate possession of Tract RGV-HRL-4014, and all persons in possession or control of the interests taken in this property should be ordered by the Court to surrender possession of the same to the United States.

5. The total sum of one thousand dollars and 00/100 (\$1,000.00) with accrued interest shall be subject to all taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable and deductible from this amount.
6. **In full payment of any and all claims by the Defendants regarding the United States' taking of the Estate in the Subject Property, the Clerk of Court shall, without further order of the Court, disburse the total sum of one thousand dollars and 00/100 (\$1,000.00), which remains on deposit in the Court's Registry, along with any accrued interest earned thereon while on deposit, payable to the order of Berta Palomino, Jose Felipe Palomino, and Filomena R. Palomino.**
7. The Defendants warrant that (a) they were the owners of the interests in the property taken in this proceeding on the respective dates of taking, (b) they have the exclusive right to the compensation set forth herein, excepting the interests of parties having liens, encumbrances of record, and unpaid taxes and assessments, if any, and (c) no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
8. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interests in the properties taken in this proceeding, the Defendants shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by the Defendants, to the date of repayment into the Registry of the Court.

9. The Defendants shall be responsible for their own legal fees, costs, and expenses, including attorneys' fees, consultants' fees, and any other expenses or costs.
10. There being no outstanding taxes or assessments due or owing, the Defendants are responsible for the payment of any additional taxes or assessments which they otherwise owe on the interests in the property taken in this proceeding on the date of the taking.
11. The Defendants shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulated judgment.
12. The Defendants shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interest in the property taken in this proceeding on the date of the taking.
13. This agreed order is binding on the heirs, executors, administrators, devisees, successors, assigns, agents, and representatives of the Defendants.

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14. This case is hereby **CLOSED**.

DONE AND ORDERED, in chambers, at Brownsville, Texas, this 26th day of

May, 2017.



ANDREW S. HANEN
United States District Judge

AGREED AS TO FORM AND SUBSTANCE:

ABE MARTINEZ
Acting United States Attorney
Southern District of Texas

s/ Richard A. Kincheloe
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Berta Palomino
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Jose F Palomino
JOSE FELIPE PALOMINO

Filomena R. Palomino
FILOMENA R. PALOMINO

